

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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Charles Stout,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 12-2996
	)	
Carmax Auto Finance and John	)	
Does 1-20,	)	
	)	
	)	
Defendants.	)	
	)	
	)	

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Before the Court is the Magistrate Judge's October 7, 2013 Report and Recommendation (the "Report") to dismiss Plaintiff Charles Stout's ("Stout") Complaint and deny leave to proceed in forma pauperis on appeal. (Report, ECF No. 5.) Stout has not objected to the Report and the time to do so has passed. See 28 U.S.C. § 636(b)(1)(c) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court."). For the following reasons, the Court ADOPTS the Report of the Magistrate Judge, the Plaintiff's Complaint is DISMISSED, and leave to proceed in forma pauperis on appeal is DENIED.

The court is required to screen in forma pauperis complaints and to dismiss any complaint, or any portion thereof, if the action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review — under a de novo or any other standard — those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. Id. at 151.

The Magistrate Judge recommends that the Complaint be dismissed for failure to state a claim upon which relief can be granted and that leave to proceed in forma pauperis on appeal be denied under Rule 24 of the Federal Rules of Appellate Procedure. (Report, ECF No. 5 at 1.) Stout has not objected to the Report and the time to do so has passed. See 28 U.S.C. § 636(b)(1)(c). Because Stout has failed to object, Arn counsels the Court to adopt the Report in its entirety. Id. Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Report is ADOPTED, the Plaintiff's Complaint is DISMISSED, and leave to proceed in forma pauperis on appeal is DENIED.

So ordered this 2nd day of December, 2013.

s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE